THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date:08-11-2005

WRIT PETITION No.12218 OF 2005

BETWEEN:

N.Murugesh

…Petitioner

And

The District Superintendent of Police, Nellore District, Nellore and others.

…Respondents

ORDER:

It is stated that the petitioner took a vacant house site admeasuring 150 ankanams in Sy.No.1576/379, situated at Ramalingapuram, Nellore town on lease from the third respondent and his sister under

oral lease agreement, agreeing to pay Rs.1,000/- per month in 1994 and erected an iron tin shed and has been doing Tractor Mechanic work shop in the said premises. While so, the third respondent along with his henchmen came to his shed, demanding to vacate the premises and also created huge galata and threatened the petitioner with dire consequences if he fails to vacate the said premises. Accordingly, the petitioner made a representation dated 8-5-2005 to the Superintendent of Police. Even after making the said representation, it is stated that the second respondent i.e., Circle Inspector of Police, Law and Order, V.R.College Centre, Nellore-II Town Police Station, who resumed charge four days prior to 31-5-2005, called the petitioner at the instance of the third respondent and wrongfully detained him in his office from 3.00 P.M., to 12.00 P.M., on 31-5-2005 and ill-treated, threatened him and pressurized to vacate the said premises. It is stated that the second respondent scolded him in foul language.

A counter has been filed by the second respondent, stating that he did not call the petitioner on 31-5-2005 and he never detained the petitioner at the instance of the third respondent and that he never threatened or pressurized the petitioner to vacate the premises.

As there is no evidence forthcoming either to believe the version of the petitioner or the version of the second respondent and in view of the disputed question of facts, no relief can be granted in this Writ Petition.

Accordingly, the writ petition is dismissed with a liberty to the petitioner either to file a private complaint or take appropriate action according to law to prove the allegations against the second respondent. No costs.

V.ESWARAIAH, J

Date: 8-11-2005.

Shr.